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Attorneys for Defendants  
WHOLE FOODS MARKET CALIFORNIA, INC. and  
MRS. GOOCH'S NATURAL FOOD MARKETS,  
INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MARY GARRISON and GRACE  
GARRISON, individually, and on behalf of all  
others similarly situated,

Plaintiffs,

v.

WHOLE FOODS MARKET CALIFORNIA,  
INC., *et al.s*

Defendants.

Case No. 3:14-CV-00334-VC

**STIPULATION AND ~~PROPOSED~~  
ORDER FOR LIMITED  
MODIFICATION TO SCHEDULING  
ORDER**

Pursuant to Local Rule 6-1(b), Plaintiffs MARY GARRISON and GRACE GARRISON, individually, and on behalf of all others similarly situated (collectively "Plaintiffs"), on the one hand, and Defendants WHOLE FOODS MARKET CALIFORNIA, INC. and MRS. GOOCH'S NATURAL FOOD MARKETS, INC. ("Defendants"), by and through their undersigned counsel, hereby stipulate as follows:

WHEREAS, the Court entered an initial scheduling order ("Initial Scheduling Order") designating an initial phase of discovery limited to (1) written fact and document discovery

1 targeted to information necessary to prepare for mediation; and (2) the completion of the  
2 depositions of Plaintiffs. (Dkt. #41).

3 WHEREAS, the Initial Scheduling Order required this phase of discovery to be  
4 completed on or before December 15, 2014 and further required the Parties to complete a  
5 mediation on or before February 2, 2015 before reporting back to the Court for a further case  
6 management conference on February 10, 2015.

7 WHEREAS, the Parties attempted to resolve certain disputes regarding written discovery  
8 without burdening the Court, but required additional time to attempt to resolve them and  
9 thereafter take Plaintiffs' depositions.

10 WHEREAS, on December 12, 2014, pursuant to the Parties' Stipulation, the Court  
11 entered a modified scheduling order ("Modified Scheduled Order") extending the deadline to  
12 complete the current phase of fact discovery to January 16, 2015 for the limited purposes of  
13 allowing the parties to: (a) resolve their dispute as to Plaintiffs' responses to Defendants' written  
14 discovery, including but not limited to Plaintiffs' document production; and (2) complete the  
15 depositions of Plaintiffs. (Dkt. 46.)

16 WHEREAS, the Court also ordered that, to the extent the Parties do not move to compel  
17 with respect to any written discovery propounded in this initial phase of discovery prior to the  
18 mediation, the Parties reserve the right to move to compel with respect to all such written  
19 discovery up to and including 7 days after the close of all fact discovery in the action pursuant to  
20 Local Rule 37-3.

21 WHEREAS, the Parties have made progress in their attempts to resolve their disputes  
22 regarding written discovery without burdening the Court; however, the Parties require additional  
23 time to attempt to attempt to resolve them and thereafter take Plaintiffs' depositions.

24 WHEREAS, the additional time the Parties seek will not alter the current deadline to  
25 complete mediation as the Parties are currently scheduled to participate in a private mediation on  
26 February 2, 2015, within the time contemplated in the Scheduling Order.

27 IT IS THEREFORE STIPULATED that:  
28

2. To the extent the Parties do not move to compel with respect to any written discovery propounded in this initial phase of discovery prior to the mediation, the Parties reserve the right to move to compel with respect to all such written discovery up to and including 7 days after the close of all fact discovery in the action pursuant to Local Rule 37-3.

DATED: January 16, 2015

By: /s/ Joseph J. Orzano

Attorneys for Defendants  
WHOLE FOODS MARKET CALIFORNIA,  
INC. and MRS. GOOCH'S NATURAL FOOD  
MARKETS, INC.

SCOTT COLE &amp; ASSOCIATES, APC

By: /s/ Molly A. Desario

Attorneys for Plaintiffs  
MARY GARRISON and GRACE  
GARRISON, individually and on behalf of all  
other similarly situated

**PROPOSED ORDER**

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

1. The deadline to complete the current phase of initial fact discovery shall be continued to January 30, 2015 for the limited purposes of allowing the parties to: (a) resolve their dispute as to Plaintiffs' responses to Defendants' written discovery, including but not limited to Plaintiffs' document production; and (2) complete the depositions of Plaintiffs.

2. To the extent the Parties do not move to compel with respect to any written discovery prior to the mediation, the Parties shall be permitted to move to compel with respect to any written discovery up to and including 7 days after the close of all fact discovery in the action pursuant to Local Rule 37-3, or as otherwise ordered by the Court. It shall be sufficient to satisfy this deadline to move to compel that the Parties submit the joint letter brief required in paragraph 9 of this Court's civil standing order by the motion to compel deadline.

DATED: January 27, 2015

  
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HON. VINCE CHHABRIA  
United States District Court Judge

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